

Miscellaneous Civil Application No.91 of 1996.

Coram: R.R.Jain & H.R. Shelat, JJ.

March 13, 1996.

Order:

In the morning when the matter was called out, somebody mentioned on behalf of Mr. Padival that as he is busy with some other Court would not be in a position to attend and requested for keeping the matter back at 2.45 P.M. At 2.45 P.M. when the matter was called out, Mr. Padival was not present and somebody requested on his behalf that till other admission work is over the matter be kept back. Even after finishing other admission work when we called out this matter at 3.15 P.M. Mr. Padival is not present.

The petitioners have filed this application for taking appropriate steps under the Contempt of Courts Act alleging non-compliance of the order passed by Gujarat Affiliated Colleges Service Tribunal on 14.12.1993, Annexure A. According to the order, the respondents are required to pay arrears of salary within a period of one month from the date of the order. Since the order is passed on 14.12.1993 as per directions the order should have been complied with by 14.1.1994. Since the order of the Tribunal is not complied as alleged the respondents shall be deemed to have committed contempt, if at all any, commencing from 14.1.1994. Section 20 of the Contempt of Courts Act prohibits taking up cognisance of any matter under this Act beyond the period of one year. Since the matter has been placed for admission today, that is, 13.3.1996, on the face of it, the application is barred by limitation under Section 20 of the Act and, therefore, is not maintainable. Hence the application is rejected.

13.3.1996. (R.R.Jain, J.)

(H.R. Shelat, J.)